

On January 26, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$300.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19542. Misbranding of dairy feed. U. S. v. Arcady Farms Milling Co. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 26592. I. S. No. 18562.)

Samples of dairy feed from the shipment herein described having been found to contain less protein and fat and more fiber than was declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On October 10, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the Arcady Farms Milling Co., a corporation, trading at Chicago, Ill., alleging shipment by said company on or about September 18, 1930, in violation of the food and drugs act, from the State of Illinois into the State of Maryland, of a quantity of dairy feed that was misbranded. The article was labeled in part: "Dairy Feed * * * Protein 16.00%; Fat 3.50%; Fibre 13.50% * * * Manufactured by Arcady Farms Milling Co., Chicago, Ill."

It was alleged in the information that the article was misbranded in that the statements, "Protein 16.00%, Fat 3.50%, Fibre 13.50%," borne on the sacks containing the article, were false and misleading; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser; since the said article contained not more than 14.54 per cent of protein, not more than 2.99 per cent of fat, and not less than 15.50 per cent of fiber.

On January 25, 1932, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19543. Adulteration of butter. U. S. v. Greeley Cooperative Creamry Co. Plea of guilty. Fine, \$10 and costs. (F. & D. No. 26659. I. S. No. 30147.)

This action was based on the interstate shipment of 24 tubs of butter which were found upon analysis to be deficient in milk fat.

On October 6, 1931, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Greeley Cooperative Creamery Co., a corporation, Greeley, Nebr., alleging shipment by said company on or about April 15, 1931, in violation of the food and drugs act as amended, from the State of Nebraska into the State of New York, of a quantity of butter that was adulterated.

It was alleged in the information that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as prescribed by the act of March 4, 1923.

On January 11, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19544. Misbranding of dairy feed. U. S. v. Edward E. Schultz, Alfred G. Schultz, and Clarence J. White (Schultz, Baujan & Co.). Pleas of guilty. Edward Schultz fined \$25 and costs; Alfred G. Schultz and Clarence J. White each fined \$25. (F. & D. No. 26631. I. S. No. 18370.)

Samples of dairy feed from the shipment herein described having been found to contain less fat than was declared on the label, and to have been made in part from oat hulls instead of being composed wholly of the ingredients named, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Illinois.

On November 3, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against Edward E. Schultz, Alfred G. Schultz, and Clarence J. White, members of a copartnership trading as Schultz, Baujan & Co., at Beardstown, Ill., alleging shipment by said defendants on or about January 10, 1931, in violation of the food and drugs act, from the State of Illinois into the State of Kentucky, of a quantity of dairy feed that was misbranded. The article was labeled in part: (Tag) "Dairy Feed made by Schultz, Baujan & Co., Beardstown, Ill."

It was alleged in the information that the article was misbranded in that the statements, "Fat 4.00 * * * Made from Cottonseed Meal, Corn Gluten Feed, Corn Gluten Meal, Old Process Linseed Oil Meal, Wheat Shorts, Wheat Bran, Corn Feed Meal, Fine Ground Oats, Molasses, Calcium Carbonate 2%, Salt 1%," borne on the tag attached to the sacks containing the article regarding the article, were false and misleading; and for the further reason that it was labeled so as to deceive and mislead the purchaser; since the article contained not more than 2.86 per cent of fat, and was not made wholly from the ingredients named, but was made in part from oat hulls.

On January 28, 1932, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$25 and costs on Edward Schultz and a fine of \$25 each on Alfred G. Schultz and Clarence J. White.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19545. Misbranding of assorted jellies. U. S. v. 16½ Cases of Assorted Jellies. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27106. I. S. Nos. 21341, 21342, 21343, 21344. S. No. 5347.)

Sample jars of assorted jellies from the shipment herein described having been found to contain less than the declared weight, the Secretary of Agriculture reported the matter to the United States attorney for the District of Arizona.

On October 24, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 16½ cases of assorted jellies at Flagstaff, Ariz., alleging that the article had been shipped by the West Coast Preserves (Inc.), from Los Angeles, Calif., on or about May 26, 1931, and had been transported in interstate commerce from the State of California into the State of Arizona, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Jars) "Gold Medal Brand, Net Weight 15 oz. * * * Packed by West Coast Preserves, Inc., Los Angeles, Calif."

It was alleged in the libel that the article was misbranded in that it was short weight and, therefore, bore a statement which was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the product was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On April 19, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19546. Misbranding of canned peas. U. S. v. 18 Cases of Canned Peas. Default decree of condemnation and destruction. (F. & D. No. 27330. I. S. No. 39842. S. No. 5470.)

Samples of canned peas from the shipment herein described having been found to fall below the legal standard for the article, in that it contained hard peas in excess of the amount allowed by said standard, the Secretary of Agriculture reported the matter to the United States attorney for the District of Connecticut.

On December 4, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 18 cases of canned peas, remaining in the original unbroken packages at Bridgeport, Conn., alleging that the article had been shipped by Kirby Canning Co., from Trappe, Md., on or about June 27, 1931, and had been transported in interstate commerce from the State of Maryland into the State of Connecticut, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Blue Water Brand Early June Peas Packed by Kirby Canning Co., Trappe, Md."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, in that it contained hard peas in excess of the amount allowed by said standard, and its package or label did not bear a plain and conspicuous statement indicating that such canned food fell below such standard.

On April 29, 1932, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*